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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/127,341 | 07/31/1998 | MICHAEL DEADDIO | 11021.0001 | 9998 |

7590 12/16/2004

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| EXAMINER |
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FELTEN, DANIEL S

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| ART UNIT | PAPER NUMBER |
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3624

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/127,341

Applicant(s)

DEADDIO ET AL.

Examiner

Daniel S Felten

Art Unit

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[Signature]

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 21-23 and 25-33.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-23 and 25-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-23 and 25-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 21-33 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21-23 and 25-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall in view of Kodsky et al (US 5,301,336).

Marshall discloses, as in claim 21, a method for processing financial instruments comprising a representation (metaphors or cards) of the instrument and at least one processor (see modules) , wherein said at least one processor performs said processing by acting upon said representation , and wherein the representation is specified separately from at least one processor (see Marshall, col. 2, ll. 27+; col. 4, ll. 28+; and col. 15, ll. 17+; and col. 16, ll. 27-63),

As in claims 22-24, wherein the representation further comprises said instrument inputs, the relationships of said inputs with each other and how said relationships combine to produce a series of financial event streams (see Marshall, col. 2, ll. 27+; col.4, ll. 28+).

As in claims 27 and 28, wherein processing is implemented via polymorphism (see Marshall, col. 2, ll. 27+; col. 4, ll. 28+; and col. 15, ll. 17+; and col. 16, ll. 27-63),

As in claim 29, Marshall discloses wherein a plurality of processors may be utilized to provide alternative methods of performing a type of processing upon the instrument without changing the representation of the instrument (see Marshall, col. 2, ll. 27+; col. 4, ll. 28+).

As in claims 30 and 31, Marshall discloses wherein said representation is composed from a set of primitives (see Marshall, col. 2, ll. 27+; col. 4, ll. 28+; and col. 15, ll. 17+; and col. 16, ll. 27-63).

As in claims 32 and 33, Marshall discloses a system and machine readable medium for storing a computer program comprising at least one digital computer, storage means and input-output peripheral means, adapted so as to perform the processing of financial instruments.

(see Marshall, col. 2, ll. 27+; col. 4, ll. 28+; and col. 15, ll. 17+; and col. 16, ll. 27-63).

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Marshall fails to disclose wherein said representations comprises static representation and event representation of the instrumentand wherein said representation is specified independently from at least one processor. These features are disclosed by Kodosky (see Abstract, col. 3, ll. 55+; col. 8, ll. 26+). It would have been obvious for an artisan of ordinary skill in the art to integrate the features of Kodosky into Marshall so as to create various representations (virtual instrument processes) that may be processed independently from one another. Thus such a modification would allow Marshall to process different events independent of each other. Thus such a modification would be considered an obvious expedient to one of ordinary skill in the art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S Felten whose telephone number is (703) 305-0724. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DSF
December 09, 2004

Daniel S Felten
Examiner
Art Unit 3624



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600